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FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

Oct 07, 2021

SEAN F. McAVOY, CLERK

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA)	NO: 4:20-CR-6031-SAB-4
)	
vs.)	
)	
CORA MAE DANLEY)	Plea Agreement
)	
)	

The United States of America, by and through Joseph H. Harrington,
Acting United States Attorney for the Eastern District of Washington, and
Benjamin D. Seal, Assistant United States Attorney for the Eastern District of
Washington, and Defendant, CORA MAE DANLEY, and Defendant's counsel,
RICHARD D. WALL, agree to the following Plea Agreement:

1. Guilty Plea:

Defendant, CORA MAE DANLEY, agrees to plead guilty to Count One of
the Indictment in this case, charging Defendant with Conspiracy to Distribute 100
Grams or More of Heroin, in violation of 21 U.S.C. §§ 841(a)(1), (b)(1)(B)(i) &
846.

1 **2. Maximum Statutory Penalties:**

2 Defendant, CORA MAE DANLEY, understands that this is a Class B felony
3 charge, which carries a maximum penalty of: at least five (5) and up to forty (40)
4 years imprisonment; a fine not to exceed \$5,000,000; at least four (4) years of
5 supervised release; and a \$100 special penalty assessment.
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8 Defendant understands that a violation of a condition of supervised release
9 carries an additional penalty of re-imprisonment for all or part of the term of
10 supervised release without credit for time previously served on post-release
11 supervision.
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13 **3. Denial of Federal Benefits:**

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15 The Defendant understands that by entering a plea of guilty to Count One of
16 the Indictment in this case, the Defendant may no longer be eligible for assistance
17 under any state program funded under part A of title IV of the Social Security Act
18 (concerning Temporary Assistance for Needy Families) or benefits under the food
19 stamp program or any state program carried out under the Food Stamp Act
20 pursuant to 21 U.S.C. § 862a. Further, the Court may deny the Defendant's
21 eligibility to any grant, contract, loan, professional license, or commercial license
22 provided by an agency of the United States or by appropriated funds of the United
23 States pursuant to 21 U.S.C. § 862.
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4. The Court is Not a Party to the Agreement:

The Court is not a party to this Plea Agreement and may accept or reject this Plea Agreement. Sentencing is a matter that is solely within the discretion of the Court. Defendant understands that the Court is under no obligation to accept any recommendations made by the United States and/or by Defendant; that the Court may obtain an independent report and sentencing recommendation from the U.S. Probation Office; and that the Court may, in its discretion, impose any sentence it deems appropriate up to the statutory maximums stated in this Plea Agreement.

Defendant acknowledges that no promises of any type have been made to Defendant with respect to the sentence the Court will impose in this matter. Defendant understands that the Court is required to consider the applicable sentencing guideline range, but may depart upward or downward under the appropriate circumstances.

Defendant understands that should the sentencing judge decide not to accept any of the parties' recommendations, that decision is not a basis for withdrawing from this Plea Agreement or a basis for withdrawing this plea of guilty.

5. Waiver of Constitutional Rights:

Defendant, CORA MAE DANLEY, understands that by entering this plea of guilty Defendant is knowingly and voluntarily waiving certain constitutional rights, including:

- (a). The right to a jury trial;
- (b). The right to see, hear and question the witnesses;
- (c). The right to remain silent at trial;
- (d). The right to testify at trial; and
- (e). The right to compel witnesses to testify.

While Defendant is waiving certain constitutional rights, Defendant understands that he/she retains the right to be assisted through the sentencing, and any direct appeal of the conviction and sentence, by an attorney who will be appointed at no cost if Defendant cannot afford to hire an attorney.

6. Effect on Immigration Status:

Defendant, CORA MAE DANLEY, recognizes that pleading guilty may have consequences with respect to his/her immigration status if he/she is not a citizen of the United States. Under federal law, a broad range of crimes are removable offenses, including the offense to which Defendant is pleading guilty. Removal and other immigration consequences are the subject of a separate proceeding, however, and Defendant understands that no one, including his/her attorney or the District Court, can predict to a certainty the effect of his/her conviction on his/her immigration status. Defendant nevertheless affirms that he/she wants to plead guilty regardless of any immigration consequences that

1 his/her plea may entail, even if the consequence is his/her automatic removal from
2 the United States.

3
4 **7. Elements of the Offense:**

5 The United States and Defendant agree that in order to convict Defendant of
6 Conspiracy to Distribute 100 Grams or More of Heroin, in violation of 21 U.S.C.
7 §§ 841(a)(1), (b)(1)(B)(i) & 846, the United States would have to prove beyond a
8 reasonable doubt the following elements:
9

10 (a). First, from on or about January 1, 2020 and continuing to on or about
11 October 20, 2020, there was an agreement between two or more persons to
12 commit at least one crime as charged in the Indictment (to wit, to distribute
13 100 grams or more of a mixture or substance containing a detectable amount
14 of heroin); and
15
16

17 (b). Second, the Defendant became a member of the conspiracy knowing
18 of at least one of its objects and intending to help accomplish it.
19

20 **8. Factual Basis and Statement of Facts:**

21 The United States and Defendant stipulate and agree that the following facts
22 are accurate; that the United States could prove these facts beyond a reasonable
23 doubt at trial; and that these facts constitute an adequate factual basis for CORA
24 MAE DANLEY's guilty plea. This statement of facts does not preclude either
25 party from presenting and arguing, for sentencing purposes, additional facts which
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1 are relevant to the guideline computation or sentencing, unless otherwise
2 prohibited in this agreement.

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4 On May 13, 2020, Defendant agreed to help transport heroin from the
5 Tricities to Spokane. As observed by DEA, a vehicle arrived at an apartment, a
6 female exited the apartment and got in the vehicle, then the vehicle got on the road
7 to Spokane. A traffic stop was performed, three people were inside the car: a male
8 driver, the female from the apartment, and Defendant. A few days later the vehicle
9 was searched and over 100 grams of heroin were found in the vehicle. Defendant
10 knew that the heroin was in the vehicle, and she had agreed with others to travel
11 from Spokane to the Tricities for the purpose of picking up the heroin and
12 delivering it to another individual in Spokane.
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16 **9. The United States Agrees:**

17 The United States Attorney's Office for the Eastern District of Washington
18 agrees not to bring any additional charges against the Defendant based upon
19 information in its possession at the time of this Plea Agreement and arising out of
20 Defendant's conduct involving illegal activity charged in the Indictment in this
21 case, unless the Defendant breaches this Plea Agreement any time before or after
22 sentencing. The United States also agrees to dismiss the remaining counts of the
23 Indictment against Defendant, if any.
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1 **10. United States Sentencing Guideline Calculations:**

2 Defendant understands and acknowledges that the Court will consult the
3 United States Sentencing Guidelines (hereinafter "U.S.S.G.") and take them into
4 account when sentencing. Defendant also understands, however, that pursuant to
5 *United States v. Booker*, 543 U.S. 220 (2005), the Sentencing Guideline range is
6 advisory and that the court is required to consider the factors set forth in 18 U.S.C.
7 § 3553(a) and to impose a reasonable sentence.
8

9 (a.) Acceptance of Responsibility:

10 If Defendant pleads guilty and demonstrates a recognition and an affirmative
11 acceptance of personal responsibility for the criminal conduct; provides complete
12 and accurate information during the sentencing process; does not commit any
13 obstructive conduct; and enters a plea of guilty as soon thereafter as it may be
14 placed on the court's docket, the United States will recommend that Defendant
15 receive a two (2) level reduction for acceptance of responsibility, and if
16 Defendant's adjusted offense level is sixteen (16), or greater, the United States will
17 move for a one (1)-level reduction for timeliness. See U.S.S.G. § 3E1.1(a) and (b).
18

19 The Defendant and the United States agree that the United States may at its
20 option and upon written notice to the Defendant, not recommend a three (3) level
21 downward reduction for acceptance of responsibility if, prior to the imposition of
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1 sentence, the Defendant is charged or convicted of any criminal offense
2 whatsoever or if the Defendant tests positive for any controlled substance.
3

4 (b.) Criminal History:

5 The United States and Defendant make no agreement regarding Defendant's
6 criminal history.
7

8 (c.) Other Guideline Calculations:

9 The United States and Defendant agree that Defendant's Base Offense Level
10 is 28.
11

12 The United States and Defendant agree that Defendant qualifies for safety
13 valve.
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15 The United States agrees that Defendant is a minor participant. Defendant
16 retains the right to argue that Defendant is a minimal participant.
17

18 **11. Incarceration:**

19 The United States agrees to recommend a sentence at the low end of the
20 guideline range. Defendant may argue for any legal sentence.
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22 **12. Fines:**

23 The United States and Defendant reserve the right to make whatever
24 recommendation they believe is appropriate concerning the imposition of a
25 criminal fine.
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1 **13. Supervised Release:**

2 The United States and Defendant agree to recommend that the Court impose
3 a 4 year term of supervised release.
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5 **14. Mandatory Special Penalty Assessment:**

6 Defendant agrees to pay the \$100 mandatory special penalty assessment to
7 the Clerk of Court for the Eastern District of Washington, at or before sentencing,
8 pursuant to 18 U.S.C. § 3013 and shall provide a receipt from the Clerk to the
9 United States before sentencing as proof of this payment.
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11 **15. Payments While Incarcerated:**

12 If Defendant lacks the financial resources to pay the monetary obligations
13 imposed by the Court, Defendant agrees to earn the money to pay toward these
14 obligations by participating in the Bureau of Prisons' Inmate Financial
15 Responsibility Program.
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17 **16. Appeal Rights:**

18 The Defendant understands that he/she has a limited right to appeal or
19 challenge the conviction and sentence imposed by the Court. The Defendant
20 hereby expressly waives his/her right to appeal his/her conviction and the sentence
21 the Court imposes, including any restitution order. The Defendant further
22 expressly waives his/her right to file any post-conviction motion attacking his/her
23 conviction and sentence, including a motion pursuant to 28 U.S.C. § 2255, except
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1 one based upon ineffective assistance of counsel based on information not now
2 known by Defendant and which, in the exercise of due diligence, could not be
3 known by Defendant by the time the Court imposes the sentence.
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5 Defendant acknowledges that this waiver shall result in the dismissal of any
6 appeal or collateral attack Defendant might file challenging the conviction or
7 sentence in this case, except for ineffective assistance of counsel as noted above.
8 If Defendant files a notice of appeal, a habeas petition, or other collateral attack,
9 notwithstanding this agreement, Defendant agrees that this case shall, upon motion
10 of the Government, be remanded to the District Court to determine whether
11 Defendant is in breach of this agreement and, if so, to permit the Government to
12 withdraw from the Plea Agreement.
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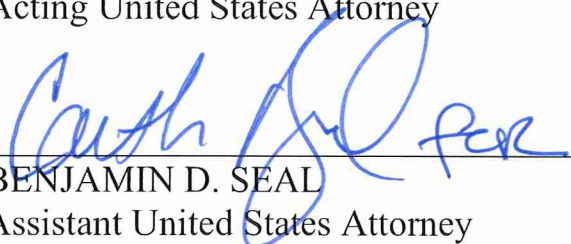
16 **17. Integration Clause:**

17 The United States and Defendant acknowledge that this document
18 constitutes the entire Plea Agreement between the United States and Defendant,
19 and no other promises, agreements, or conditions exist between the United States
20 and Defendant concerning the resolution of the case. This Plea Agreement is
21 binding only upon the United States Attorney's Office for the Eastern District of
22 Washington, and cannot bind other federal, state or local authorities. The United
23 States and Defendant agree that this agreement cannot be modified except in a
24 writing that is signed by the United States and Defendant.
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Approvals and Signatures

Agreed and submitted on behalf of the United States Attorney's Office for
the Eastern District of Washington.

JOSEPH H. HARRINGTON
Acting United States Attorney


BENJAMIN D. SEAL
Assistant United States Attorney


10/7/21
Date

1 I have read this Plea Agreement and have carefully reviewed and discussed
2 every part of the agreement with my attorney. I understand and voluntarily enter
3 into this Plea Agreement. Furthermore, I have consulted with my attorney about
4 my rights, I understand those rights, and I am satisfied with the representation of
5 my attorney in this case. No other promises or inducements have been made to
6 me, other than those contained in this Plea Agreement, and no one has threatened
7 or forced me in any way to enter into this Plea Agreement. I am agreeing to plead
8 guilty because I am guilty.
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15 CORA MAE DANLEY
Defendant

10/6/2021
Date

16 I have read the Plea Agreement and have discussed the contents of the
17 agreement with my client. The Plea Agreement accurately and completely sets
18 forth the entirety of the agreement between the parties. I concur in my client's
19 decision to plead guilty as set forth in the Plea Agreement. There is no legal reason
20 why the Court should not accept Defendant's plea of guilty.
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26 RICHARD D. WALL
Attorney for Defendant

10/6/2021
Date

1 I hereby certify that I have read and translated the entire foregoing document
2 to Defendant in a language with which Defendant is conversant. If questions have
3 arisen, I have notified Defendant's counsel of the questions and have not offered
4 nor given legal advice nor personal opinions.
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7

8 _____
9 Interpreter

_____ Date